

Appln No. 09/877,817

Amdt date March 7, 2005

Reply to Office action of September 8, 2004

REMARKS/ARGUMENTS

Claims 1-23 were pending in the application when examined, of which claims 1, 6, 10, 11, 16, and 21 are independent. No claims have been cancelled. Claims 2, 3, 6, and 9 have been amended. Claim 24 has been added. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, reconsideration, reexamination, and an early indication of allowance of the now pending claims 1-24 are respectfully requested.

The Examiner has rejected claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over Dengler (U.S. Patent No. 6,581,103) in view of Wiser (U.S. Patent No. 6,385,596). Applicant respectfully traverses this rejection.

Regarding claim 1, the Examiner contends that Dengler teaches all of the limitations of this claim except that Dengler fails to teach "generating a personal identification number corresponding to the transaction information; transmitting the personal identification number to the recipient at the recipient address; [and] receiving a request from the recipient, the request including the personal identification number." The Examiner however, relies on Wiser to make up for this deficiency. In doing so, The Examiner reasons that "[i]t would have been obvious . . . to implement the personal identification number scheme of Wiser in Dengler because such a scenario must be implemented in order to authenticate users of the Dengler system and prevent malicious misuse of the song dedication

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service." (Office action, p. 3, par. 2.1). Applicants respectfully disagree.

Applicants submit that there is no motivation or suggestion in either of the references or in the art to implement Wiser's personal identification number scheme in Dengler's Internet radio broadcasting system. In Wiser, the disclosed digital passport with the identifying information is used to provide security during various phases of the purchase of media data files. (See, Col. 4, lines 27-50). First, Wiser discloses the use of the passport to authenticate the purchaser. (Ibid.) Second, Wiser discloses the use of the purchaser's public key from the passport to encrypt the media key for the media data file being purchased. In this manner, only the purchaser's media player can decrypt the media key for the purchased audio and play the music. (Ibid.) Third, Wiser discloses that the passport's inclusion of confidential information (such as the user's credit card number) is designed to deter the purchaser from simply copying their passport and purchased audio and giving them to another person.

Thus, unlike Wiser's system where the security measures ensure that a media data file is delivered to a single rightful receiver who has purchased the media data file, Dengler's system is an Internet radio broadcasting system where multiple recipients listen, but do not download the broadcast music. Dengler teaches that radio is "broadcasted over the Internet to any computer that wants to log onto the web site for the radio Internet broadcast." (Col. 2, lines 45-47) (Emphasis added). Dengler also does not impose any restrictions on a logged

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listener's ability to make a song dedication. As such, the security measures provided in Wiser are unnecessary in Dengler's Internet radio broadcasting system.

Assuming, *arguendo*, however, that the combination of Dengler and Wiser were proper, Applicant submits that even such a combination fails to teach all of the limitations of claim 1.

Claim 1 recites "generating a personal identification number corresponding to the transaction information," which the Examiner contends is met by Wiser's digital passport containing information that identifies the purchaser. Following this reasoning, Wiser cannot then teach "transmitting the personal identification number to the recipient at the recipient address" and "receiving a request from the recipient, the request including the personal identification number." The Examiner has not articulated who the "recipient" is in Wiser's system. Assuming, *arguendo*, that the recited "recipient" is the purchaser, Wiser's system does not perform the step of "transmitting the personal identification number to the recipient at the recipient address" because the passport information, which the Examiner deems to be the recited "personal identification number," already resides in the purchaser's client system.

Assuming, on the other hand, that the recited "recipient" is the disclosed content manager, Wiser's system does not perform the step of "receiving a request from the recipient, the request including the personal identification number" because the content manager does not transmit a request with the passport information to any receiving entity. The content

Appln No. 09/877,817

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manager receives the passport information from the purchaser's client system and simply uses it to encrypt the media key for the media file being purchased. The content manager does not re-distribute this passport information to anyone, and much less, in a form of a "request." Accordingly, Applicant submits that claim 1 is in condition for allowance.

Independent claims 6, 10, 11, 16, and 21 are also in condition for allowance because they contain limitations that are similar to the limitations of claim 1, which make claim 1 allowable, and for the additional limitations contained in these claims.

Claims 2-5, 7-9, 12-15, 17-20, and 22-23 are in condition for allowance because they depend on an allowable base claim, and for the additional limitations contained in these claims.

Claim 24 is new in this application. Claim 24 depends from claim 1 and is allowable for the same reasons that claim 1 is allowable. Furthermore, claim 24 specifies that "the song selection is transmitted to only the recipient identified via the recipient address in the received transaction information from the sender," which is neither taught nor suggested in any of the cited references. Accordingly, claim 24 is in condition for allowance.

Appln No. 09/877,817

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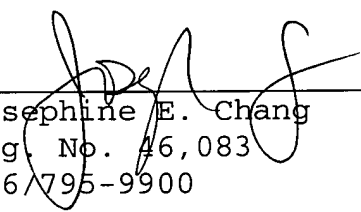
Reply to Office action of September 8, 2004

In view of the above amendments and remarks, Applicants respectfully request reconsideration, reexamination, and an early indication of allowance of the now pending claims 1-24.

Respectfully submitted,

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